

# MAYOR & COUNCIL AGENDA COVER SHEET

**MEETING DATE:**

April 3, 2006

**CALL TO PODIUM:**

**Erica Shingara, Environmental Services Director**

**RESPONSIBLE STAFF:**

**Erica Shingara, Environmental Services Director**

**AGENDA ITEM:**

(please check one)

	Presentation
	Proclamation/Certificate
	Appointment
	Public Hearing
	Historic District
	Consent Item
	Ordinance
X	Resolution
	Policy Discussion
	Work Session Discussion Item
	Other:

**PUBLIC HEARING HISTORY:**

(Please complete this section if agenda item is a public hearing)

Introduced	
Advertised	
Hearing Date	
Record Held Open	
Policy Discussion	

**TITLE:**

Resolution of the Mayor and City Council Approving a Waiver of the Environmental Standards for Development Regulation to Allow 3,018 Square Feet of Disturbance within the Stream Valley Buffer at 100 Central Avenue

**SUPPORTING BACKGROUND:**

The applicant, VNT Construction, obtained concept plan approval for CSP-01-002 on February 20, 2002. This project involves the development of a 4.6 acre parcel located at 100 Central Avenue, also known as Rashidian Estates. The proposed Rashidian Estates project consists of the development of four (4) single-family residential lots along the northeast property boundary. In order to proceed with the site plan review process the applicant must first obtain approval of an environmental waiver from the Mayor and Council, as required by the *Environmental Standards for Development Regulation*.

The applicant is requesting a waiver to allow approximately 3,018 sq. ft. (0.069 acres) of disturbance within the stream valley buffer of the Muddy Branch tributary. The stream valley buffer will be minimally impacted through the placement of a level-spreader (a stormwater management structure) parallel to the proposed roadway. The proposed level spreader will run along 135 feet of the roadway at a depth of approximately 20-feet into the stream valley buffer. The level spreader is designed to evenly recharge stormwater to the floodplain of the Muddy Branch.

As illustrated in the attached waiver application, the proposed impact will be mitigated by converting 2,463 square feet of existing lawn area within the stream valley buffer to forest by removing trash and debris, implementing an invasive species management plan, and reforesting the area. In addition, as part of the proposed forest conservation plan, the applicant will record a forest conservation easement to permanently protect approximately 2.76 acres of onsite forested wetlands and stream valley buffer.

**Attachments:**

- Exhibit 1: Resolution
- Exhibit 2: Waiver Application

**DESIRED OUTCOME:**

**Approve Resolution.**

RESOLUTION NO. \_\_\_\_\_

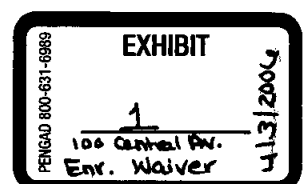
RESOLUTION OF THE MAYOR AND CITY COUNCIL APPROVING A WAIVER  
OF THE ENVIRONMENTAL STANDARDS FOR DEVELOPMENT REGULATION TO  
PERMIT 3,018 SQUARE FEET OF DISTURBANCE WITHIN THE STREAM VALLEY  
BUFFER AT 100 CENTRAL AVENUE

WHEREAS, the Environmental Standards for Development Regulation was adopted by the Mayor and City Council on November 19, 2001, providing the Mayor and City Council the authority to grant a waiver; and

WHEREAS, staff has reviewed the proposed waiver and determined that this circumstance warrants a waiver because the public interest benefits outweigh the risks to the environment, there are no other feasible alternatives, and the proposed mitigation measures will compensate for the disturbance to the stream valley buffer:

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of Gaithersburg, that the request for a waiver of the Environmental Standards for Development Regulation, permitting the placement of a level spreader (SWM structure) within the stream valley buffer, impacting approximately 3, 018 square feet, is approved subject to the following conditions:

1. All necessary approvals and permits must be obtained from the Planning Commission, the Department of Planning and Code Administration, and the Department of Public Works, Parks Maintenance and Engineering.
2. Clearing, grading, and other disturbances to the stream valley buffer and the stream shall be limited to the minimum necessary for construction and equipment operations.
3. Deposition or stockpiling of materials such as excavated rock, topsoil, stumps and shrubs, grass clippings, and building materials within the stream buffer are prohibited.
4. Upon completion of construction, all disturbed areas shall be properly stabilized as soon as practicable and the stream buffer shall be restored to natural conditions.



5. In order to compensate for the disturbance within the buffer, the applicant will restore 2,463 square feet of existing lawn within the stream buffer by removing trash and debris, developing and implementing an invasive species management plan, and reforesting the area pursuant to the City's forest conservation manual.

ADOPTED by the Mayor and City Council this 3rd day of April, 2006.

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SIDNEY A. KATZ, MAYOR and  
President of the Council

THIS IS TO CERTIFY that the foregoing  
Resolution was adopted by the City Council  
in public meeting assembled on the 3rd day  
of April, 2006.

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David B. Humpton, City Manager



## **S&S Planning and Design, LLC**

76 Baltimore Street ♦ Cumberland, Maryland 21502 ♦ 301-724-7611

### **RASHIDIAN ESTATES PROJECT STREAM VALLEY BUFFER WAIVER JUSTIFICATION March 23, 2006**

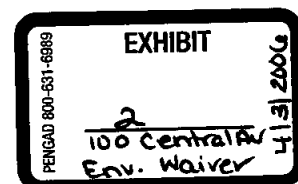
S&S Planning and Design, on behalf of VNT Construction, respectfully requests a waiver to minimally impact the Stream Valley Buffer (SVB) on the Rashidian Estates project to accommodate the placement of a necessary stormwater management (SWM) facility. Additionally, one (1) specimen tree is proposed to be removed, as identified as ST-2 on the Forest Conservation Plan submitted for the project. The proposed SWM feature will result 3,018 square feet (0.069-acre) of SVB impact.

The proposed Rashidian Estates project consists of the development of four (4) single-family residential lots on a relatively small portion of the property. The SVB will be minimally impacted through the placement of a level-spreader (a SWM feature) immediately adjacent to the proposed roadway. The proposed level-spreader will impact approximately 20-feet of the SVB; the distance from the edge of the SVB to Muddy Branch is approximately 135-feet in the area where the impact is proposed. The level-spreader is designed to evenly recharge stormwater to the floodplain of Muddy Branch and can not be located in such a manner to avoid SVB impact.

The proposed project is located within the upper reaches of the Muddy Branch watershed (02140202). According to the document entitled "*An Ecological Assessment of Streams in Gaithersburg, Maryland: 2001-2002*" prepared by Versar, Inc., a monitoring station (MB-10) was located approximately 0.8-miles downstream of the project site. This study indicated that Muddy Branch, at the sample location, rated as 'Fair' for physical habitat and 'Poor' for both benthic macroinvertebrate and fish indices. Additional qualitative observations regarding Muddy Branch on the project site are provided in the approved wetland delineation report.

The proposed SVB impact will be mitigated by converting an existing lawn area within the SVB, immediately adjacent to the proposed impacts, to forest through vegetative plantings. This proposed mitigation area encompasses 2,463 square feet (0.056-acres) and will provide added benefit to the SVB by expanding the existing forested riparian buffer. Additionally, the impacted region within the SVB will be enhanced with vegetative plantings as well. The total provided mitigation planting areas shown on the plan encompass 0.096-acres. A proposed plant list and planting details are indicated on the plan.

One (1) specimen tree, identified on the plan as ST-2, is proposed to be removed to accommodate construction; thirteen (13) specimen trees are located on the property. Specimen Tree No. 2 is a Red Maple (*Acer rubrum*) with a diameter-breast-height of 31-





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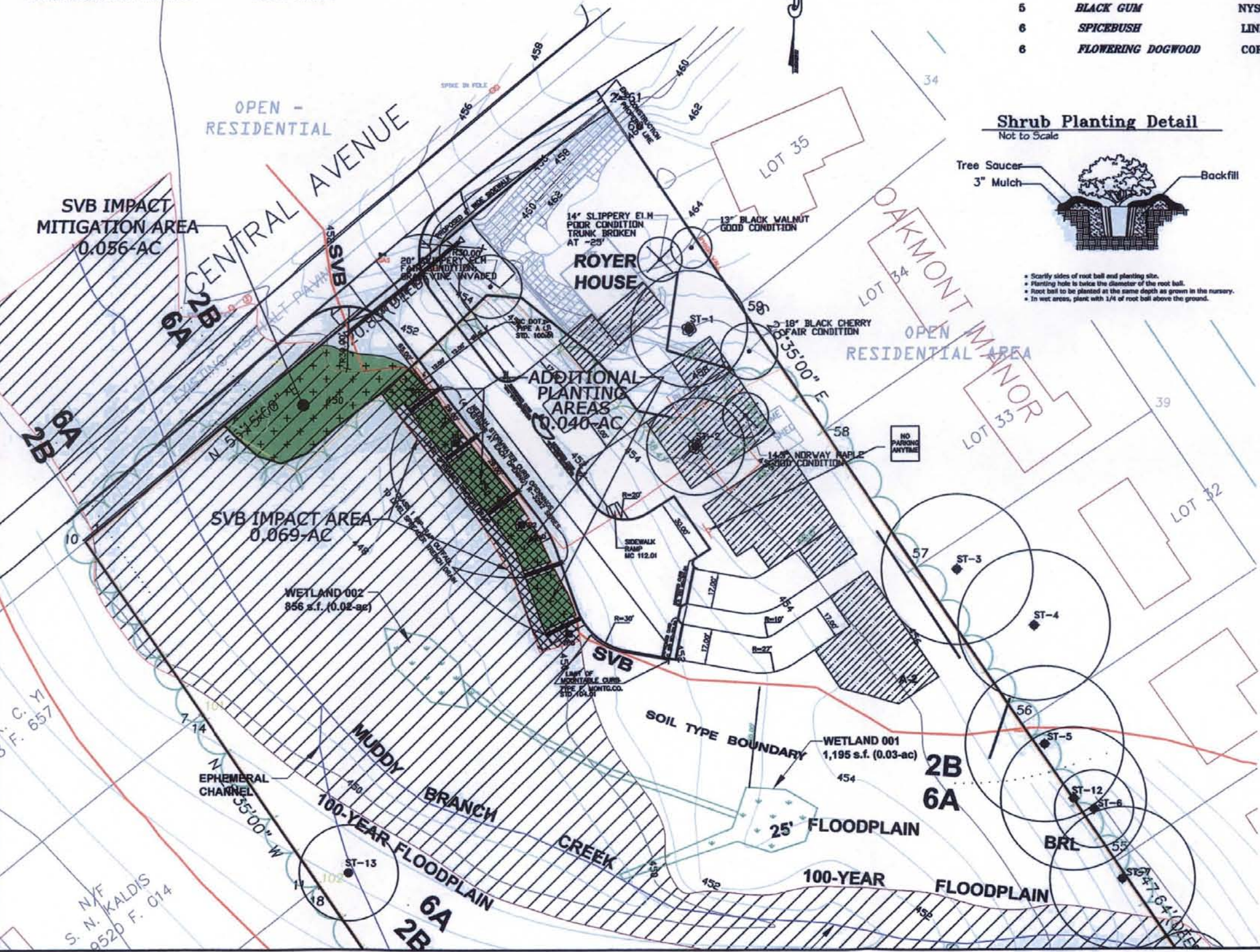
inches and in good condition. The proposed plantings are also designed to provide mitigation for the loss of this specimen tree.

The proposed construction within this buffer does not impact any state or federally regulated environmental resources, therefore no permits are required. All required permits for the proposed waiver are under the jurisdiction of the City of Gaithersburg.

Granting this waiver request will NOT result in increased flood heights, threats to public safety, extraordinary public expenses or the creation of nuisances.



SITE INFORMATION	
TOTAL TRACT AREA	4.60-ACRES
EXISTING FORESTED AREA	4.24-ACRES
WETLAND AREA	0.13-ACRES
SVB IMPACT AREA	0.069-ACRES
TOTAL PROPOSED PLANTING	0.096-ACRES



# Plant List

QUANTITY	BOTANICAL NAME	COMMON NAME	SIZE	CONTAINER	SPACING
6	ACER RUBRUM	RED MAPLE	2" CAL.	B&B	15' O.C.
5	PLATANUS OCCIDENTALIS	AMERICAN SYCAMORE	2" CAL.	B&B	15' O.C.
6	PIN OAK	QUERCUS PALUSTRIS	2" CAL.	B&B	15' O.C.
5	BLACK GUM	NYSSA SYLVATICA	2" CAL.	B&B	15' O.C.
6	SPICEBUSH	LINDERA BENZOIN	5-6'	5 GAL.	10' O.C.
6	FLOWERING DOGWOOD	CORNUS FLORIDA	5-6'	5 GAL.	10' O.C.

## Shrub Planting Detail

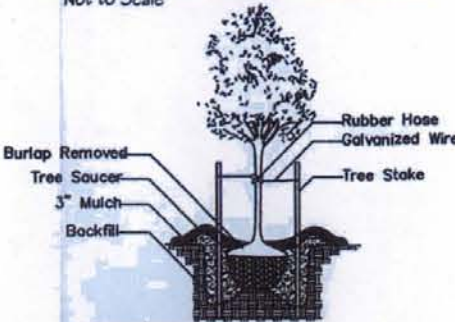
Not to Scale



- Scarify sides of root ball and planting site.
- Planting hole to be twice the diameter of the root ball.
- Root ball to be planted at the same depth as grown in the nursery.
- In wet areas, plant with 1/4 of root ball above the ground.

## Tree Planting Detail

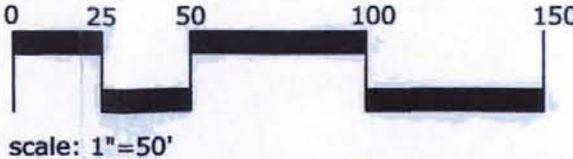
Not to Scale



- Remove all rope or twine.
- Scarify sides of root ball and planting site.
- Planting hole to be twice the diameter of the root ball.
- Root ball to be planted at the same depth as grown in the nursery.
- In wet areas, plant with 1/4 of root ball above the ground.
- Using shovel or rototiller, loosen and mix soil to a depth of 12", and a width 5 times that of the root ball diameter.
- Stake and guy trees only in very windy locations or if tree begins to lean.
- The contractor shall notify the architect if soil conditions are found to be unsuitable and additional drainage is required.
- Prune tree after planting as directed.

## LEGEND:

- TREE TO BE REMOVED
- SPECIMEN TREE (and critical root zone)
- STREAM & WETLAND BUFFER
- WETLANDS
- CALCULATED 100-YR FLOODPLAIN
- SVB MITIGATION PLANTING AREAS
- SVB IMPACT AREA



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Planning & Environmental Services  
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S&S Planning and Design, LLC

Date:	
Revision:	

STREAM VALLEY BUFFER IMPACT & MITIGATION PLAN  
RASHIDIAN ESTATES PROPERTY  
CITY OF GAITHERSBURG  
MONTGOMERY COUNTY, MARYLAND

Date: March 23, 2006  
Scale: 1" = 50'  
Design: MVS Drawn: MVS  
Sheet: 1 of 1  
CAD File: SVB Impact.dwg  
Project No.: 06-105